

Oct. 6. 2005 2:25PM Fay Sharpe

No. 4720 P. 1

705 OCT -5 11:01 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT-

US PATENT & TRADEMARK OFFICE
APPLICATION OF

FOR

: Adams

: ALUMINUM HANGER AND HANGER
: ASSEMBLY

SERIAL NO.

: 10/699,111

FILED

: November 1, 2003

EXAMINER

: Hayes, Bret C.

ART UNIT

: 3864

CONFIRMATION NO.

: 1871

ATTORNEY DOCKET NO.

: ESTZ 2 00004-3

MAIL STOP 16

Director of U.S. Patent and Trademark Office

2 pages via facsimile

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR A REFUND - DUPLICATE CHARGES
(37 C.F.R. 1.26)

This is a request for a refund within three months of the date a fee in the amount of \$60.00 and \$65.00 was charged to Deposit Account No. 06-0308. This amount was charged by the United States Patent and Trademark Office on August 2, 2005 and again August 5, 2005. Please see the Deposit Account Statement attached.

Please make refund for the duplicate charge by crediting Deposit Account No. 06-0308.

Respectfully submitted,


FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

October 6, 2005
Date


Steven M. Haas, Reg. No. 37,841
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

Certificate of Transmission via Facsimile

I hereby certify that this REQUEST FOR REFUND in connection with U.S. Application Serial No. 10/699,111 is being transmitted by facsimile to the U.S. Patent & Trademark Office at Telephone No. (571) 273-6500 on October 6, 2005.


George B. Sonntag

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Deposit Account Statement

Requested Statement Month: August 2005
Deposit Account Number: 060308
Name: FAY SHARPE FAGAN MINNICH & MCKEE
Attention:
Address: 1100 SUPERIOR AVENUE SUITE 700
City: CLEVELAND
State: OH
Zip: 44114-2518
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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08/03	5	PCT/US05/11061	ICON 2 00005 PCT	1703	\$546.00	\$8,323.80
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re application of:)	Examiner:
Adams)	Hayes, Bret C.
)	
Serial No.: 10/699,111)	Art Unit:
)	3644
Filed: 11/01/2003)	
)	
For: ALUMINUM HANGER AND HANGER ASSEMBLY)	
)	
Attorney Docket No. (new):)	Cleveland, Ohio
ESTZ 2 00004-3)	August 1, 2005

PETITION FOR ONE (1) MONTH EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


The initial period for response to the Office Action mailed 03/31/2005 expired 06/30/2005. Pursuant to 37 C.F.R. § 1.136, petition is hereby made for a one (1) month extension of time in which to respond, up to and including Monday, 08/01/2005. This application is entitled to Small Entity Status - the fee of \$60 and any other further fees now due) should be charged to Deposit Account 06-0308. If any further extension of time is required, kindly consider this a petition for same and charge any fees to deposit account 06-0308. If any additional fee or fee deficiency is due in connection with this petition, kindly charge same to Deposit Account 06-0308.

Respectfully submitted,


Steven M. Haas (Reg. No. 37,841)
Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue - Seventh Floor
Cleveland, OH 44114-2518
Telephone (216) 861-5582

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Adjustment date: 11/18/2005 SDIRETA1
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Aug. 1. 2005 6:07PM Fay Sharpe

AUG 01 2005

No. 4267 P. 3

PTO/SB/26 (09-04)

Approved for use through 07/31/2008, OMB 0551-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
ESTZ 2 00004-3 (new)

In re Application of: ADAMS

Application No.: 10/599,111

Filed: 11/01/2003

For: ALUMINUM HANGER AND HANGER ASSEMBLY

The owner, EAST MANUFACTURING CORPORATION, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,890,009 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,841

SK - 1/8 8/1/05 August 1, 2005
Signature Date

STEVEN M. HAAS
Typed or printed name

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2 FC:2814 65.00 DA

216-861-5582
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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